Minutes of the 95th meeting of the Board of the EHRC

13 May 2021 (09:45-13:15)

Via video conference using WebEx

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Attending

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Attending

Commissioners
Baroness Kishwer Falkner (Chairwoman); Caroline Waters (Deputy Chair); Suzanne Baxter; Jessica Butcher; David Goodhart; Alasdair Henderson; Susan Johnson; Helen Mahy; Mark McLane; Lord Bernard Ribeiro; Dr Lesley Sawers and Su-Mei Thompson.

Officers
Erica Boardman, Acting Director - Communications and Engagement (items 10-13)
Lucy Cook, Associate – Private Office (item 4)
Christopher Corfield, Senior Associate – Institutional Strategy (Observer)
Cath Denholm, Executive Director (Corporate Improvement, Compliance, England and Scotland)
Melanie Field, Executive Director (Strategy, Policy, Legal and Wales)
Carla Garnelas, Senior Principal – Strategy Hub (items 10-13)
Alix Luddington, Senior Associate – Private Office (item 4)
Callum MacInnes, Principal – Planning, Performance and Governance
Bill Malloy, Director – Finance, Procurement, Planning, Performance and Governance
Laura Mingins, Principal - Head of Stakeholder Engagement, Communications and Engagement (items 10-13)
Alastair Pringle, Interim Chief Executive
Luke Taylor, Director – Evidence and Strategy Hub (items 10-13)
Graham Wheaton, Senior Associate – Corporate Governance (item 4 & observer)
Sarah Whelan, Senior Associate – Corporate Governance

Guests
Martyn Jones, Interim Chair - EHRC Wales Committee
Rachel Perkins, Chair – EHRC Disability Advisory Committee (items 5-13)
Charles Ramsden – Government Equalities Office (GEO)

1. Chairwoman's introduction

1.1 The Chairwoman welcomed attendees. Martyn Jones continued to attend as Acting Chair of the Commission's Wales Committee, pending the appointment of a Wales Commissioner. Alastair Pringle attended as Interim Chief Executive.

2. Apologies for absence

2.1 Pavita Cooper sent apologies.

3. Declarations of interest

3.1 No declarations were made additional to those already registered.

4. Risk appetite workshop

4.1 The Board participated in a workshop on our strategic risks, which assessed and reviewed the levels of risk the Commission is willing to tolerate in pursuing its objectives and how this will inform decision making over the coming year. Three key categories of risk were considered: strategic risk, operational risk and institutional risk.

4.2 The feedback from the Board will be used to produce a number of risk appetite statements, which will be discussed by the Audit and Risk Committee (ARAC) prior to being presented to the Board for formal approval. **Action: Bill Malloy and Ben Coates to develop the statements based on the Board's input.**

5. Minutes and correspondence

5.1 The minutes of the 11 March, 94th Board meeting (EHRC 95.02), were agreed as an accurate record.

5.2. The Chairwoman reminded the Board of the decision paper shared via correspondence on 30 April. A response was required from the Board by 07 May on impact chains and success measures for the business plan seeking their approval. This decision was agreed and will feed into the follow up paper going to the Board in July.

6. Actions Arising

6.1 The Chairwoman provided an update on the ongoing actions (EHRC 95:03). The Board agreed that the remaining actions (EHRC 94.03) were either complete or progressing satisfactorily.

7. Committee and Commissioner Working Group (CWG) updates

7.1 **The Scotland Committee** met on 28 April. Lesley Sawers updated the Board on the Scottish election. Requests to meet the First Minister and Equalities Minister will be sent out as soon as possible.

7.2 **The Wales Committee** met on 06 May. Martyn Jones updated the Board on the Committee's concerns relating to the Commission on Race and Ethnic Disparities' report. An update on the Welsh election was also provided.

7.3 **Commission Working Group - Human Rights monitoring:** met on 13 March. Alastair Henderson advised the Board that on 20 May, the Commission will be publishing further assessments of government action and progress on the Human Rights Tracker. Commissioners will be sent further information in this week's Board update. **Action: Sarah Whelan to follow up with Camilla Alonzo.**

7.4 **Disability Advisory Committee (DAC):** met on 29 April. Melanie Field advised the Board that the Committee had noted that a review of a potential inquiry into benefit claimant deaths was now unlikely due to resource constraints, instead a Section 23 agreement would be pursued, which was legally enforceable if actions were not taken. The Committee were disappointed but supportive.

7.5 **People and Workspaces Committee (P&WC)** - met on 11 May. Caroline Waters advised that discussions included: an agreement that corporate social and sustainability responsibilities would be an activity for the Committee going forward and would develop a statement for the Board's approval; they received an update on the pay reward; fed in thoughts into phase 1 of the action plan for the new normal; and discussed the corporate services improvement priorities. **Action: Committee to develop a corporate social and sustainability responsibilities statement and share with Board for approval and the Committee's terms of reference updated to reflect this. Action: Sarah Whelan to share the Commissions internal inclusion newsletter with Commissioners.**

7.6 **Audit and Risk Assurance Committee (ARAC)** - met on 22 April. Susan Johnson advised that discussions focused on the financial settlement and end year outcome; the impact of having the spending review commission late will have on infrastructure spend, including estate moves; the strategic risk register, which was welcomed by ARAC but it was noted that more work was required on leadership, culture, partnerships and other enabling factors; and that the Commission are likely to receive a moderate assurance from the auditors, which is a good outcome.

8. Chief Executive's report

8.1 Prior to the meeting the Board considered the CEO's report (EHRC 95.04). Members fed in the following observations:

8.1.1 Members suggesting adding criminal justice and police diversity to the areas of focus being considered for possible additional CRED funding by an internal steering group. **Action: Commissioners to contact Melanie Field with any further ideas for the steering group. Action: Melanie Field to consider including criminal justice and police diversity into the race roadmap paper.**

8.1.2 Members were pleased to note that the Law Commissions' review into automated vehicles recommended that the EHRC should be on an accessibility advisory panel;

8.1.3 Members noted the need to maintain close engagement with the Labour Party to ensure that the Commission's recommendations were addressed in line with agreed timescales, the Executive advised this is in train; and

8.1.4 The Chairwoman updated the Board that the Commission will continue to Chair the Commonwealth Forum of National Human Rights Institutions until the Commonwealth Heads of Government meeting in June. The Commission has formally notified the Foreign, Commonwealth & Development Office that further financial support would be required should the Commission be asked to extend its term as chair any further.

9. Finance report

9.1 Prior to the meeting the Board considered the Finance report (EHRC 95.05). Members noted the summary of the 2020/21 budget allocations; the Period 12 (March) indicative financial outturn and a summary of the proposed strategy to manage financial performance in 2021/22.

9.2 The Chairwoman thanked the Finance team for all their work in getting the Commission to around a 1.5% underspend, especially given the difficulties of the last year. There was recognition that there were frustrations with the lack of confirmation on the spending review / budget this year.

9.3 Susan Johnson, as ARAC Chair, further thanked the team, advising that ARAC had discussed the potential big challenges ahead, but were assured that the changes that had been made to budget management should assist in responding to these.

10. Strategic plan 2022-25 - the scope, definitions of themes and the potential areas of work / issues

10.1 The Board considered the cover paper (EHRC 95.06) and annexes, including the feedback from Scotland and Wales Committees and the Disability Advisory Committee. They broadly agreed to the narrowing of the first strategic goal; the themes as set out (EHRC 95.06a) and the areas of focus.

10.2 Feedback was provided on the process, the reframing of the first strategic goal and the themes, specifically artificial intelligence and emerging digital technologies; upholding rights in health and social care; fostering good relations by promoting mutual respect between groups and understanding of

rights and ensuring fairness in a changing workplace. They also noted the absence of any work on Transport.

10.3 The strategy team will work with the Commissioner Reference Group to agree an outline skeleton of the draft strategic plan for consultation by early June. The Board's steer and input will then inform the draft plan for consultation and this will be brought to the July Board for approval. The paper will be at a relatively high level to support effective engagement and will include pre-consultation engagement activity with key stakeholders. **Action: Luke Taylor and Strategy team to consider Commissioners' input and feed into the draft document for consultation and supply to the Board in July.**

10.4 The Chairwoman welcomed Commissioners continued input to the plan over the next few weeks, advising they could contact the strategy team direct.

11. Strategic plan 2022-25 – the consultation process

11.1 The Board considered the paper (EHRC 95.07) and broadly agreed to the consultation approach, whilst providing the steers as set out below.

11.2 Some members queried the timeline of stage 2 – the statutory public and stakeholder consultation, asking whether this could be pushed back to the autumn. Officers advised that this would be difficult without having an impact on other deliverables and that the timeline as currently stated may suit some stakeholders. The need to avoid a clash with the timing of the spending review commission for 2022 expected in the autumn was also noted. Members recommended that stakeholders and networks were approached as soon as possible to ensure engagement happens early and requested that the executive revisit the consultation timescales to see if there was scope to amend them, for example by pushing the consultation back by a week.

11.3 Members asked how the harder to reach groups would be included. Officers advised there was already engagement with smaller networks. Members noted the need to be mindful that small hard to reach groups can sometimes raise concerns around 'exploitative consultancy', where they are overburdened with consultation requests and not compensated for the time and resource required to respond to them all. **Action: Laura Mingins to consider ways to stretch out stage 2 of the timeline; to ensure harder to reach groups are included and to ensure feedback is covered within the principles.**

12. Disability Advisory Committee (DAC) annual report

12.1 The Chairwoman thanked the Committee for their work over the last 12 months, and expressed a desire to join a Committee meeting again soon. **Action: Corporate Governance Team and Private Office to co-ordinate.**

12.2 Rachel Perkins, Chair of DAC, spoke to paper EHRC 95.08 and provided highlights of the last 12 months. These included Committee members feeling that their expertise has been much better utilised now that members have

been aligned with priority aims; that engagement with staff was improved and they now have a better on-going dialogue; that early intervention and consultation works better than just providing them with an update; that it was useful when Officers provided feedback to them when their input had been taken on board or not (and why not); but there had been some accessibility issues with joining virtual meetings. Rachel Perkins further advised that the committee were keen to continue to be consulted regarding the new stakeholder engagement plans, specifically on disability issues, as the DAC was replaced with a new model of stakeholder engagement. The Committee have requested the Commission continue engaging with its members post March 2022. **Action: Corporate Governance team to alert ICT to accessibility issues.**

12.3 As a DAC attendee member, Caroline Waters congratulated the Committee for their valuable contribution, specifically its excellent Chair who had worked hard to find ways for members to contribute more valuably. It was key that the Commission involved all stakeholders at the concept stage (with regards to protected characteristics) and did not lose the expertise of the Committee members going forward.

13. Stakeholder review, including the DAC review

13.1 The Board considered the papers (EHRC 95.09 & 95.09a) and approved the approach to strategic engagement; confirmed the decision to dissolve DAC by 31 March 2022; and approved of the proposals for new stakeholder approaches, subject to taking on board comments below.

13.2 Members queried whether the two new sectoral panels would follow a flexible or static approach and whether they would be time based; theme based or protected characteristics based. They further emphasised how ineffective static, large panels can be and that the members need to be refreshed regularly to ensure the Commission are focusing on influencing whilst businesses / groups are sharing intel and best practice. It was also suggested that the 'Working Forward' network be engaged in our proposals going forward. Members also expressed concern with the London centric nature of the proposals, advising that thought needs to be given to how engagement is approached across the English regions.

13.3 Rachel Perkins fed in that DAC were concerned about the distinction between sectors and favoured that panels should instead focus on 'aims', which would be characterised as a 'working group' with ongoing relationships with people who have links across networks; emphasised the need to engage with protected characteristic groups early (specifically disabled groups) to ensure there is co-production / design and encouraged the plan to include more engagement with those with lived experiences. The executive advised that the panels would be topical, relationship based and with a focus on an extension of the Commission's existing networks whilst co-produced with disability in mind from the outset.

13.4 **Action: Laura Mingins to address points raised on panels and the English regions, capture these points in the terms of reference of the panels and engage 'Working forward' members as appropriate.**

13.5 Whilst members approved the decision to dissolve DAC by March 2022, they expressed concerns at the potential loss of expertise. They emphasised the need to engage early and effectively with relevant stakeholders to ensure that they understood the approach and what comes next. Members are keen to ensure that engagement with disabled people is mainstreamed through the work plans and factored in early on.

14. Any other business

14.1 The July Board (96th) meeting and away day would take place on 07 & 08 July. Whether this can take place face-to-face is being explored by the Corporate Governance and People and Infrastructure teams in light of the latest Government advice as it become available. Members will be kept informed.

14.2 With no other business being raised, the Chairwoman thanked Board members and staff for their contributions, and drew the formal meeting to a close. The Board would next meet on 27 May for the Board call on the Race Roadmap.